

IN THE SENATE

SENATE BILL NO. 1051

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO TELEPHONE COMMUNICATIONS; PROVIDING A SHORT TITLE AND LEGISLATIVE INTENT; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6711B, IDAHO CODE, TO DEFINE TERMS, TO CREATE THE CRIME OF ANTI-CALLER ID SPOOFING, TO PROVIDE PENALTIES AND TO PROVIDE THAT A VIOLATION IS A VIOLATION OF THE CONSUMER PROTECTION ACT; AND AMENDING SECTION 48-603, IDAHO CODE, TO PROVIDE THAT A VIOLATION OF THE ANTI-CALLER ID SPOOFING ACT IS A VIOLATION OF THE CONSUMER PROTECTION ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. SHORT TITLE – LEGISLATIVE INTENT. It is the intent of the Legislature to enact the "Anti-Caller ID Spoofing Act." The Legislature finds that the citizens of this state are potential targets of a telephone scam known as caller ID spoofing or caller ID fraud that allows a caller to hide his or her true identity by modifying caller ID information with the intent to mislead, defraud or deceive the recipient of the telephone call. It is therefore the intent of the "Anti-Caller ID Spoofing Act" to protect people from such scams that have led to harassment, the loss of personal information and potentially threatening telephone calls.

SECTION 2. That Chapter 67, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-6711B, Idaho Code, and to read as follows:

18-6711B. DEFINITIONS – ANTI-CALLER ID SPOOFING. (1) As used in this section:

(a) "Caller" means a person who places a call by a telephone or over a telephone line, even if the person begins the call on a computer;

(b) "Caller identification system" means a listing of a caller's name, telephone number or name and telephone number that is shown to a recipient of a call when the recipient answers;

(c) "False information" means data that misrepresents the identity of the caller to the recipient of a call; except that when a person making an authorized call on behalf of another person inserts the name, telephone number or name and telephone number of the person on whose behalf the call is being made, such information shall not be deemed false information; and

(d) "Insert" means insert by voice communication, by written communication or by otherwise entering into a computer.

(2) A caller may not knowingly insert false information into a caller identification system with the intent to mislead, defraud or deceive the recipient of a telephone call.

(3) The provisions of this section shall not apply to:

(a) Any blocking of caller identification information;

(b) Any law enforcement agencies of the federal government, the state government, a county or a municipality; or

(c) Any intelligence or security agencies of the federal government.

(4) Any person who knowingly inserts false information into a caller identification system with the intent to mislead, defraud or deceive the recipient of a telephone call shall be guilty of a misdemeanor and upon conviction, finding of guilt or entering of a withheld judgment shall be imprisoned in the county jail for a period not in excess of six (6) months, or fined not more than ten thousand dollars (\$10,000) per incident, or by both such fine and imprisonment.

(5) All acts and practices declared to be unlawful in this section shall, in addition, be violations of the Idaho consumer protection act as provided in chapter 6, title 48, Idaho Code.

SECTION 3. That Section 48-603, Idaho Code, be, and the same is hereby amended to read as follows:

48-603. UNFAIR METHODS AND PRACTICES. The following unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful, where a person knows, or in the exercise of due care should know, that he has in the past, or is:

(1) Passing off goods or services as those of another;

(2) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) Causing likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;

(4) Using deceptive representations or designations of geographic origin in connection with goods or services;

(5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, connection, qualifications or license that he does not have;

(6) Representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand;

(7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(8) Disparaging the goods, services, or business of another by false or misleading representation of fact;

(9) Advertising goods or services with intent not to sell them as advertised;

(10) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(12) Obtaining the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed;

(13) Failing to deliver to the consumer at the time of the consumer's signature a legible copy of the contract or of any other document which the seller or lender has required or requested the buyer to sign, and which he has signed, during or after the contract negotiation;

1 (14) Making false or misleading statements of fact concerning the age, extent of use, or  
2 mileage of any goods;

3 (15) Promising or offering to pay, credit or allow to any buyer or lessee, any  
4 compensation or reward in consideration of his giving to the seller or lessor the names of  
5 prospective purchasers or lessees, or otherwise aiding the seller or lessor in making a sale or  
6 lease to another person, if the earning of the rebate, discount or other value is contingent upon  
7 the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease;

8 (16) Representing that services, replacements or repairs are needed if they are not needed,  
9 or providing services, replacements or repairs that are not needed;

10 (17) Engaging in any act or practice which is otherwise misleading, false, or deceptive to  
11 the consumer;

12 (18) Engaging in any unconscionable method, act or practice in the conduct of trade or  
13 commerce, as provided in section 48-603C, Idaho Code, provided, however, that the provisions  
14 of this subsection shall not apply to a regulated lender as that term is defined in subsection (37)  
15 of section 28-41-301, Idaho Code;

16 (19) Taking advantage of a disaster or emergency declared by the governor under chapter  
17 10, title 46, Idaho Code, or the president of the United States under the provisions of the  
18 disaster relief act of 1974, 42 U.S.C. section 5121 et seq., by selling or offering to sell to  
19 the ultimate consumer fuel or food, pharmaceuticals, or water for human consumption at  
20 an exorbitant or excessive price; provided however, this subsection shall apply only to the  
21 location and for the duration of the declaration of emergency. In determining whether a price  
22 is exorbitant or excessive, the court shall take into consideration the facts and circumstances  
23 including, but not limited to:

24 (a) A comparison between the price paid by the alleged violator for the fuel, food,  
25 pharmaceuticals, or water and the price for which the alleged violator sold those same  
26 items to the ultimate consumer immediately before and after the period specified by the  
27 disaster or emergency declaration;

28 (b) Additional costs of doing business incurred by the alleged violator because of the  
29 disaster or emergency;

30 (c) The duration of the disaster or emergency declaration.

31 Notwithstanding anything to the contrary contained elsewhere in the act, no private cause of  
32 action exists under this subsection.

33 (20) Violating the provisions of section 18-6711B, Idaho Code.